

PROVIDING FOR CONSIDERATION OF H.J. RES. 36, CONSTITUTIONAL AMENDMENT AUTHORIZING CONGRESS TO PROHIBIT PHYSICAL DESECRATION OF THE FLAG OF THE UNITED STATES

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 189 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 189

*Resolved*, That upon the adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 36) proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution and any amendment thereto to final passage without intervening motion except: (1) two hours of debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; (2) an amendment in the nature of a substitute, if offered by Representative Conyers of Michigan or his designee, which shall be considered as read and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 189 is a modified closed rule providing for the consideration of a constitutional amendment which would authorize Congress to ban the physical desecration of the American flag.

H. Res. 189 provides for 2 hours of debate in the House of Representatives, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary.

Upon the adoption of this rule, H.J. Res. 36 is made in order and considered as read. The rule also makes in order a substitute amendment if offered by the gentleman from Michigan (Mr. CONYERS) or his designee, which shall be separately debatable for 1 hour, equally divided between a proponent and an opponent. All points of order are waived against this amendment.

Finally, the rule provides for one motion to recommit, with or without instructions, as is the right of the minority.

Mr. Speaker, this rule would allow Congress to debate legislation that protects our American heritage by protecting one of our most important symbols, our flag. Most Americans look to the flag as a symbol of our unity, our sovereignty and our democracy. Throughout the years, millions of

Americans have fought and died for this country, and they look to the flag as the embodiment of our country's values.

Two reasons for supporting this measure come to mind as we consider this legislation: first, from a logical standpoint, if we prohibit the destruction of U.S. currency by law, then surely protecting our symbol of freedom and democracy is just as important.

The second reason is a more powerful one. Many Members believe it is the duty of Congress to protect the integrity of our heritage from individuals who disrespect this country.

It is in the best interests of the American people to pass this legislation, and I wholeheartedly support it. In fact, I am an original cosponsor of H.J. Res. 36.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

First, Mr. Speaker, let me thank the gentleman for yielding me this time. It is a pleasure to serve on the Committee on Rules with the gentleman from Georgia (Mr. LINDER).

Mr. Speaker, I rise in strong opposition to House Joint Resolution 36. I firmly believe that passing this constitutional amendment would abandon the very values and principles upon which this country was founded.

Make no mistake, I deplore the desecration of the flag. The flag is a symbol of our country and a reminder of our great heritage. I find it unfortunate and repugnant that a few individuals choose to desecrate that which we hold so dear. However, it is because of my love for the flag and the country for which it stands that, unfortunately, I have no choice but to oppose this well-intentioned yet misguided, in my view, legislation.

Our country was founded on certain principles. Chief among these principles is freedom of speech and expression. These freedoms were included in the Bill of Rights because the Founding Fathers took deliberate steps to avoid creating a country in which individuals' civil liberties could be abridged by the Government. Yet that is exactly what this amendment would do. It begins a dangerous trend in which the Government can decide which ideas are legal and which must be suppressed.

Ultimately, we must remember that it is not simply the flag we honor but, rather, the principles it embodies. To restrict people's means of expression would do nothing but abandon those principles, and to destroy these principles would be a far greater travesty than to destroy its symbol. Indeed, it would render the symbol meaningless.

Earlier this month, Mr. Speaker, I was with a group of 15 Members of Congress who were visiting the American cemetery in Normandy, France. There we saw the graves of more than 9,000 men and women who gave their lives

not just for the liberation of Europe but in defense of an idea: democracy, and all that it stands for. What democracy stands for is forever enshrined in our Constitution. These men and women who died for an idea, and the patriots who came before and after them, understand that idea.

I brought back these two flags, this one especially, the American flag. The other is the flag of France. I hold it here to remind myself of what others gave so that I may be here today in this country which protects individual rights and liberties more than any other country in the world. Understand, though, this flag itself has little inherent value. It is cloth attached to a piece of wood. The value of this cloth is in the messages that it conveys and the country that it stands for and the people who have fought and died to keep this flag and others like it flying high and free. Those men who died storming Omaha and Utah Beaches did not fight for a flag; they fought for the idea that our flag represents. This amendment, in my view, would diminish what those brave men and women fought and died for.

The last time Congress debated a similar bill, retired four-star general and current Secretary of State Colin Powell said that he would not support amending the Constitution to protect the flag. In fact, General Powell said, "I would not amend that great shield of democracy to hammer a few miscreants. The flag will be flying proudly long after they have slunk away."

We are too secure as a Nation to risk our commitment to freedom by endeavoring to legislate patriotism. If we tamper with our Constitution because of the antics of a handful of thoughtless and obnoxious people, we will have reduced the flag as a symbol of freedom, not enhanced it.

Mr. Speaker, I reserve the balance of my time.

Mr. LINDER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in support of the rule. The American flag serves a unique role as the symbol of the ideals upon which America was founded. It is a national asset that helps to preserve our unity, our freedom, and our liberty as Americans. This symbol represents our country's many hard-won freedoms paid for with the lives of thousands and thousands of young men and women over this Nation's history. For years, 48 States and the District of Columbia enforced laws prohibiting the physical desecration of the American flag. In the 1989 Texas v. Johnson ruling, the United States Supreme Court in a 5-4 vote overthrew what until then had been settled law and ruled that flag desecration as a means of public protest is an act of free expression protected by the first amendment to the U.S. Constitution. A year later, essentially reiterating its Johnson ruling,